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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8
I hereby certify that this correspondence, totaling 11 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 571-273-8300 (Central number) on the below date:
Date: January 18, 2007 Name: Janet L. Javorka Signature: [Signature]

**BRINKS
HOFER
GILSON
& LIONE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Andrew Graham, et al.

Appln. No.: 10/533,215

Filed: April 28, 2005

For: NON-VOLATILE MEMORY CELL,
MEMORY CELL ARRANGEMENT AND
METHOD FOR PRODUCTION OF A NON-
VOLATILE MEMORY CELL

Examiner: Cuong Quang
Nguyen

Art Unit: 2811

Attorney Docket No: 10808-230

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Attached is/are:

TRANSMITTAL

- ☒ Election and Amendment
☐ Return Receipt Postcard.

Fee calculation:

- ☐ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.138(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

January 19, 2007
Date

[Signature]
Robert K. Fergan (Reg. No. 51,674)

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ELECTION AND AMENDMENT

Responsive to the restriction requirement mailed October 19, 2006, Applicant hereby traverses the examiner's restriction and provisionally elects Group I, claims 1-13, directed to a semiconductor device.

Pursuant to 37 C.F.R. §1.121, this paper includes the following additional parts:

- I. Listing of Claims, beginning on page 2; and
- II. Remarks, beginning on page 7.

Applicant notes that the Transmittal to which this paper is attached includes a Certificate of Facsimile under 37 C.F.R. §1.8; and a fee statement calculating any fee(s) presently due in connection with the filing of this paper, along with an authorization to charge any fee deficiency to Deposit Account No. 23-1925.